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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000300

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SUBJECT: ILO PUSHES FOR PROGRESS ON FORCED LABOR

Classified By: COM CARMEN M. MARTINEZ FOR REASON 1.5(D).

11. (C) Summary: On February 28, ILO Liaison Officer Ms. Perret-Nguyen provided Emboffs with a status report on her efforts to engage the regime on forced labor before the ILO Governing Board meeting on Burma in late March. Ms. Perret-Nguyen has been focusing on getting the regime to accept a plan of action on forced labor to present to the Governing Board. To date, the regime has not agreed to include even minimally necessary elements in the plan of action such as a pilot project area or a mediator. In addition, the military, the primary user of forced labor in Burma, still remains off limits to the government's implementation committee on forced labor. Ms. Perret-Nguyen is encouraging the U.S. and others to impress upon the Burmese government the importance of providing at least a minimally acceptable plan of action to the GB. Otherwise, she expects GB members will have run out of patience with regime delays and move to enforcing sanctions. End Summary.

No News is Bad News

12. (C) ILO Liaison Officer Ms. Perret-Nguyen told Emboffs on February 28 that she is frustrated with the lack of progress on forced labor in Burma since her arrival in Rangoon six months ago. Specifically, she said the Convention 29 Implementation Committee the government established in response to the ILO's call for action on forced labor continues to be ineffectual and the government is dragging its feet on submitting a meaningful plan of action to the Governing Body.

13. (C) Perret-Nguyen said the Implementation Committee members are always polite and cordial to her but on substance there has been no progress. She said that when she brings allegations of forced labor to the committee's attention it invariably reports back that there was no evidence to support the allegations or, if there was evidence, military operations were involved and the committee could not intervene. She said that she continues to receive credible reports that forced labor continues unabated in all areas where the military is active. Perret-Nguyen is convinced that the military commanders have not received any instructions on how to implement the 1999 and 2000 directives issued to curtail the use of forced labor, so they continue with past practices. She said that the patience of the Governing Body with the regime's delays on taking action against forced labor are wearing thin and the government needs to provide clear evidence that it will put action behind its words at the March Governing Body meeting.

Key Elements In Plan of Action

14. (C) Ms. Perret-Nguyen said she has worked hard to convince the regime of the benefits of a sound plan of action on forced labor but it has been very slow going. She has focused on the following priorities: 1) the designation of a mediator or facilitator to receive complaints and liaise with the Implementation Committee; 2) an assessment of the complaints evaluation system; 3) a study of alternatives to the use of forced labor; 4) the reform of the system for inspections and allegation verifications; 5) a public information campaign; and 6) an ILO-funded pilot area. Perret-Nguyen said that although the ILO and the government have exchanged drafts of a proposed work plan they are "no where near" agreement on a text. She said her encouragement that when the regime begins to show action on the problem assistance will be forthcoming appears to be falling on deaf ears.

15. (C) As the Governing Body meeting draws near, Perret-Nguyen has honed in on obtaining a minimally acceptable plan of action from the government just to have something to show at the meeting. Her office would not claim that this minimal plan is sufficient but it would give the GB something to review. Her bottom line on a "minimally acceptable" plan would include the creation of a mediator and the acceptance of a pilot project, points the government has not yet been willing to accept. She said that even if the GB determines that this minimal plan is not good enough, she could use that feedback to push for a better plan.

Last Ditch Efforts?

16. (C) Perret-Nguyen said she hopes the regime relents at the last minute and agrees to the minimally acceptable plan of action, noting that the regime has a history of responding to the ILO officials when they are at the airport about to leave Rangoon. For example, she said, when she was departing for Geneva for the last GB meeting, the regime presented her with three points or concessions to address ILO concerns. (Note: One of these was to appoint a representative of the Inspector General's office to the Implementation Committee in order to provide the committee with a link to military authorities; this appointment never materialized according to Perret-Nguyen. End Note.) She said she hopes the regime will do the same this time and present her with the minimally acceptable work plan just before she leaves town. She is not convinced, however, that the regime understands the importance of delivering a plan of action to the GB meeting. She senses that either the regime does not understand that GB patience for continued delays has run out or that it does not care. She requested that the U.S. provide any support it can prior to the GB meeting to impress upon the Burmese that it is time for action on forced labor. She said she has approached others in the diplomatic community to support her efforts. If the regime does not accept at least some of the ILO's recommendations for the plan of action, Perret-Nguyen believes the GB will toughen its stance and revisit implementation of sanctions agreed to in 2000 but held in abeyance pending actions by the regime.

17. (C) Comment: The Chief of Mission will meet with the Minister of Labor to impress upon him the importance of demonstrating to the GB the regime's commitment to addressing forced labor. We will point out the benefits of a pilot project and a mediator, and encourage an improved investigation and enforcement mechanism. Unfortunately, it is likely that the Minister of Labor understands these issues all too well but is not in a position to determine whether or not to cooperate with the ILO. The junta's military leaders dictate these matters and they have a long-held vested interest in using forced labor to support the military infrastructure. Perret-Nguyen noted that the military continues to remain outside the Implementation Committee and does not appear to have any commitment to reducing forced labor. Until this changes, we can expect cooperation with the ILO mission to be slow at best. End Comment.

Martinez